

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

COMPLEX BUSINESS LITIGATION DIVISION

CASE NO.: _____

BKCOIN MANAGEMENT LLC,
a Delaware Limited Liability Company,
as General Partner of BKCOIN MULTI-
STRATEGY FUND LP and as Investment
Manager of BKCOIN MULTI-STRATEGY
FUND, LTD., BKCOIN MULTI-STRATEGY
MASTER FUND, LTD. and BKCOIN MULTI-
STRATEGY FUND LP,

Petitioner,

vs.

BKCOIN MULTI-STRATEGY FUND, LTD.,
a British Virgin Islands Company;
BKCOIN MULTI-STRATEGY MASTER FUND, LTD.,
a British Virgin Islands Company;
BKCOIN MULTI-STRATEGY FUND LP,
a Delaware Limited Liability Company,

Respondents.

_____ /

EMERGENCY PETITION FOR APPOINTMENT OF RECEIVER

BASIS FOR EMERGENCY RELIEF:

This action has been filed as an Emergency Petition on the basis that the Petitioner is the manager of multiple Investment Funds (including the Defendant Funds) which managed millions of dollars of investor funds, some of which were invested in cryptocurrencies and other assets which, due to their nature, are very difficult to marshal and track. It is the belief of the Petitioner that the appointment of a receiver on an emergency basis will help to ensure not further waste and/or loss of investor assets.

Furthermore, the Petitioner lacks the resources to continue the management of such funds and/or the recovery of funds improperly transferred to third parties. Accordingly, Petitioner prays that this Court grant emergency relief as time may be of the essence in securing and recovering such investor assets.

Petitioner, BKCOIN MANAGEMENT, LLC, a Delaware Limited Liability Company (“Petitioner” or “BKCoin Management”), as General Partner of the BKCOIN MULTI-STRATEGY FUND, LP (“Multi-Strat Domestic”), and as Investment Manager of BKCOIN MULTI-STRATEGY FUND, LTD. (“Multi-Strat Offshore”), Multi-Strat Domestic and BKCOIN MULTI-STRATEGY MASTER FUND, LTD. (“Multi-Strat Master”) (collectively, “Respondents” or “Multi-Strat Funds”) by and through its undersigned counsel, hereby petitions this Court for the emergency appointment of a Receiver pursuant to Fla. Stat. §§ 605.0704 and Florida’s Revised Uniform Limited Partnership Act of 2005, Chapter 620, Fla. Stat., and in support thereof states the following:

NATURE OF THE ACTION

1. In this emergency action, BKCoin Management seeks the appointment of a receiver pursuant to Fla. Stat. §§ 605.0704 and Florida’s Revised Uniform Limited Partnership Act of 2005, Chapter 620, Fla. Stat. and applicable Florida law to windup the activities and affairs of the Multi-Strat Fund.

2. The business relationship between the Petitioner and Respondents is governed by the Investment Management Agreement (“IMA”), dated March 9, 2022.¹

THE PARTIES

¹ To protect the private information of the investors, a copy of the Multi-Strat Funds’ organizational documents has not been attached to the Complaint but is in the possession of each of the parties hereto.

3. Petitioner, BKCoin Management, is a Limited Liability Company organized under the laws of the State of Delaware with its principal place of business in the State of Florida. BKCoin is therefore a citizen of Delaware and Florida and is otherwise *sui juris*.

4. Respondent, Multi-Strat Offshore., is a British Virgin Islands company limited by shares, with its principal place of business in British Virgin Islands. Multi-Strat Offshore is therefore a citizen of the British Virgin Islands and is otherwise *sui juris*.

5. Respondent, Multi-Strat Master is a British Virgin Islands company limited by shares, with its principal place of business in British Virgin Islands. Multi-Strat Master is therefore a citizen of the British Virgin Islands and is otherwise *sui juris*.

6. Respondent, Multi-Strat Domestic is a Delaware Limited Liability Company organized under the laws of the State of Delaware with its principal place of business in the State of Florida. Multi-Strat Domestic is therefore a citizen of Delaware and Florida is otherwise *sui juris*.

7. BKCoin Management is a General Partner of Multi-Strat Domestic and the Investment Manager of each of the Multi-Strat Funds.

JURISDICTION AND VENUE

8. This is an emergency action for the Appointment of a Receiver to manage the activities and affairs of the Multi-Strat Fund pursuant to Fla. Stat. §§ 605.0704 and Florida's Revised Uniform Limited Partnership Act of 2005, Chapter 620, Fla. Stat.

9. This Court has subject matter jurisdiction pursuant to Fla. Stat. §§ 605.0704 Florida's Revised Uniform Limited Partnership Act of 2005, Chapter 620, Fla. Stat., Art. 10, Sec.

10.5 of the IMA and the Eleventh Judicial Circuit in and for Miami-Dade County, Florida Administrative Order 17-11, Section 3.

10. Venue of this action is proper in this Court pursuant to the Venue clause located in Art. 10, Sec. 10.5 of the IMA.

STATEMENT OF FACTS

11. BKCoin Management currently provides investment management services to private funds in the Cryptocurrency field.

12. Specifically, BKCoin Management was the manager of, and or general partner of, no less than two funds in addition to the Multi-Strat Funds as well as multiple separately managed accounts (“SMAs”).

13. Pursuant to the BKCoin Management’s Limited Liability Company Agreement, the business, property, and affairs of BKCoin Management are managed by a Board of Managers. which is comprised of Carlos Betancourt (“Mr. Betancourt”) and Kevin Kang (“Mr. Kang”). Art. V, Sec. 5.1(a).

14. Pursuant to the Limited Partnership Agreement of BKCoin Multi-Strategy Fund LP (“Multi-Strat Domestic”), dated March 3, 2022, BKCoin Management is the General Partner of the limited partnership.²

15. Pursuant to the IMA, BKCoin Management was appointed as the Investment Manager of each of the Multi-Strat Funds to manage the investment of cash and other investments on behalf of the Multi-Strat Funds. *See* Art. 2.

16. In or around October 2022, BKCoin Management learned that Mr. Kang had engaged in certain suspicious and/or improper acts with regard to the management of the Multi-

² To protect the private information of the investors, a copy of the Multi-Strat Funds’ organizational documents has not been attached to the Complaint but is in the possession of each of the parties hereto.

Strat Funds in contravention to the IMA, and that certain assets of the Multi-Strat Funds were being improperly diverted by Mr. Kang from the Multi-Strat Funds and being comingled with other assets under management.

17. Upon information and belief, Mr. Kang has diverted and/or comingled over \$12,000,000.00 in cash and other assets out of the Multi-Strat Funds.

18. On October 14, 2022, upon learning of Mr. Kang's improper and fraudulent acts regarding the management of the Multi-Strat Funds, BKCoin Management terminated Mr. Kang as an employee and Officer of BKCoin Management.

19. BKCoin Management has notified all investors of the Multi-Strat Funds regarding Mr. Kang's improper and apparently fraudulent acts and its desire to appoint a Receiver. None of the investors have objected to the appointment of a Receiver and the investors representing more than a ninety percent (90%) interest in the Multi-Strat Funds affirmatively support such request for the proposed relief. Five of the six investors have all stated that they support the appointment of a receiver and the remaining investor has not provided comment as of the time of this petition.

APPOINTMENT OF RECEIVER IS NECESSARY

20. The appointment of a Receiver is necessary to marshal, preserve and protect the assets of the Multi-Strat Funds.

21. The limited partners and members of the Multi-Strat Funds are comprised of six separate investors which are both U.S. and foreign business entities who are believed to have invested in excess of Eighteen Million Dollars (\$18,000,000.00) in the Multi-Strat Funds which they now seek to recover.

22. BKCoin Management, the sole entity engaged to manage the Multi-Strat Funds' assets is unable to effectively manage the Multi-Strat Fund due to (a) a lack of financial resources

to carry out the marshaling and management of the subject assets; (b) the inability to effectively manage the funds in light of the clear conflict between the Petitioner and Mr. Kang, one of its members and managers of the Multi-Strat Funds; (c) the lack of staff and personnel to pursue claims which the Multi-Strat Funds may have against third parties; and (d) the potential conflict of interest which may exist between the various funds managed by BKCoin Management.

23. Counsel for Petitioner has contacted Michael I. Goldberg, Esq. of Akerman LLP (“Mr. Goldberg”), to determine his availability to function as the Receiver (*see* attached Curriculum Vitae as **Composite Exhibit “A”**).

24. Mr. Goldberg chairs Akerman LLP’s Fraud and Recovery Practice, focusing on the unraveling of high-profile investor fraud, including Ponzi Schemes and receiverships; and recently served as the Receiver for the Champlain Tower South Condominium Association, Inc. Mr. Goldberg is therefore an appropriate individual and member of the Florida Bar to oversee the Multi-Strat Fund’s operations and maintain the cash and assets of the Multi-Strat Fund and to ultimately windup the same.

25. Without the appointment of a Receiver, the Multi-Strat Funds risk, further impairment, and loss of property to the detriment of its investors and it is believed that given the nature of the losses sustained by the Multi-Strat Funds, the appointment of a receiver should be undertaken on an expedited and emergency basis to ensure that all assets have been secured and that the assets are preserved and recovered from third party recipients of the Multi-Strat Funds’ assets. .

26. Mr. Goldberg has agreed to serve as a Receiver.

27. This Court has the jurisdiction to enter an order appointing a Receiver and should do so on an expedited basis given the risk of loss to the investors and the volatile nature of the investments in which some of the assets may be held.

28. The Petitioner believes that any delay in the appointment of a receiver would negatively impact the investors and increase the potential of further loss and/or an inability to recover some of the funds which were improperly removed from the Multi-Strat Funds.

Argument:

A. Authority to Appoint Receiver:

It has been long held by the courts of this state that “[t]he power to appoint a receiver has long been recognized as one that is inherent in a court of equity, which ‘lies in the sound discretion of the chancellor to be granted or withheld according to the facts and circumstances of the particular case.’” *Granada Lakes Villas Condo. Ass’n, Inc. v. Metro-Dade Invs. Co.*, 125 So. 3d 756, 758 (Fla. 2013) (citations omitted). See also: *Armour Fertilizer Works v. First Nat’l Bank of Brooksville*, 100 So. 362 (Fla. 1924); *Bayview Homes Co. v. Sanders*, 136 So. 234 (Fla. 1931); *Buckley Towers Condo., Inc. v. Buchwald*, 340 So. 2d 1206, 1209 (Fla. 3d DCA 1976), cert. denied, 348 So. 2d 945 (Fla. 1977); *Recarey v. Rader*, 320 So. 2d 28 (Fla. 3d DCA 1975); *Ins. Mgmt., Inc. v. McLeod*, 194 So. 2d 16 (Fla. 3d DCA 1966); *Bookout v. First Nat’l Mortg. & Disc., Co., Inc.*, 514 F.2d 757 (Fla. 5th Cir. 1975); Rule 1.620, *Florida Rules of Civil Procedure*, Authors’ Comment – 1967 (2017) (“The matter of appointing a receiver rests within the discretion of the court.”).

A court-appointed receiver is the agent of the Court, and property or monies possessed by a receiver are possessed by the Court. *Edenfield v. Crisp*, 186 So. 2d 545, 549 (Fla. 2d DCA 1966). Importantly, in *Granada Lakes*, the Florida Supreme Court set forth circumstances warranting

appointment of an equitable receiver: “Equitable receiverships are a creation of common law, which this Court has stated should be reserved for cases involving fraud, self-dealing, or waste.” *Id.*, 125 So. 3d at 759. See also *McAllister Hotel v. Schatzberg*, 40 So. 2d 201, 202–03 (Fla.1949) (same); *Apalachicola N.R. Co. v. Sommers*, 85 So. 361, 362 (Fla. 1920) (appointment of receiver proper to prevent fraud, destruction, loss of property, or self-dealing). Furthermore, misconduct, mismanagement, and danger of or actual insolvency of a corporation authorize appointment of a receiver. See *Bird Rd. Commercial Sites, Inc. v. Feldstein*, 214 So. 2d 658, 660 (Fla. 3d DCA 1968), cert. denied, 222 So. 2d 752 (Fla. 1969) (affirming appointment of receiver where chancellor faced a “maze of conflicting financial reports and interpretations thereof”). In the instant case, the Petitioner discovered the apparent mismanagement, misconduct and, upon information and belief, fraud committed by Mr. Kang in relation to the Multi-Strat Funds assets which has, *inter alia*, placed the Multi-Strat Funds and BKCoin Management, LLC at risk of insolvency and or further dissipation of assets to the extent Mr. Kang may/could still have access to certain assets belonging to the Multi-Strat Funds.

As clearly stated by the Florida Supreme Court, this court (and the circuit courts of this state) have inherent authority to appoint a receiver of all the property, business, and affairs of a corporation to carry on its business or to windup the same. See *Mills Dev. Corp. v. Shipp & Head*, 171 So. 533, 534 (Fla. 1936). In the instant case, it is believed that certain third parties may be in possession of some and/or all of the assets which were improperly removed from the Multi-Strat Funds, and there is an immediate risk that those assets may be further dissipated and/or concealed, a risk which is exacerbated by the fact that some of the assets may be held in cryptocurrencies and/or other fungible and often anonymous accounts.

WHEREFORE, BKCOIN MANAGEMENT, LLC, as General Partner of BKCOIN MULTI-STRATEGY FUND LP, and as Investment Manager of BKCOIN MULTI-STRATEGY FUND, LTD., BKCOIN MULTI-STRATEGY MASTER FUND, LTD. and BKCOIN MULTI-STRATEGY FUND LP, respectfully requests that this Court appoint a Receiver to manage the activities and affairs of the Multi-Strat Fund, along with such other and further relief deemed just and proper.

VERIFICATION

Under penalties of perjury, I declare that I have read the foregoing, and the facts alleged therein are true and correct to the best of my knowledge and belief.

A handwritten signature in black ink, appearing to read 'CBetancourt', is positioned above a horizontal line.

CARLOS BETANCOURT, CEO of BKCoin
Management, LLC

Respectfully submitted,

ANNESSE ARMENTEROS, PLLC

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By: /s/ John W. Annesser

John W. Annesser, Esq.

Florida Bar No.: 98233

Megan Conkey Gonzalez, Esq.

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People



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Connect With Me

A Fellow of the American College of Bankruptcy, Michael Goldberg chairs Akerman's Fraud and Recovery Practice, an experienced team of lawyers focused on unraveling high-profile investor fraud, including Ponzi schemes, receiverships, and EB-5 Immigrant Investor Visa Program wrongdoing. Michael has managed some of the largest Ponzi scheme liquidation recoveries in U.S. history. More recently he has developed a reputation for his work unraveling EB-5 fraud schemes. As noted in *Chambers USA*, his peers call him "an extraordinary lawyer who is unflappable. He's got a keen business mind and can forge consensus in seemingly irreconcilable disputes." Michael previously served as chair of Akerman's Bankruptcy and Reorganization Practice Group.

As a qualified expert witness on Ponzi schemes, he is highly sought after and routinely testifies in federal and state court cases throughout the country and internationally. Michael has served as court-appointed receiver in many of his cases over the past two decades, helping victims maximize potential returns by identifying, securing, and monetizing potential assets as quickly and efficiently as possible.

Regarded as a thought leader on fraud, Michael has appeared on CNN, CNBC, Fox News, and National Public Radio to discuss Ponzi schemes and receiverships. He has also been quoted in *Bloomberg*, *Forbes*, *The Wall Street Journal*, *The New York Times*, *The American Lawyer*, *The Miami Herald*, *Sun Sentinel*, and numerous other publications. Michael regularly lectures on receiverships, Ponzi schemes and EB-5 fraud to regulators and various legal groups throughout the country.

Notable Work

Ponzi Scheme Liquidation Work and Receiverships

Professional Financial Investors, Inc. and Professional Investors Security Fund, Inc. - Independent Director: Appointed Independent Director (and subsequently Liquidating Trustee) to oversee the bankruptcy of Professional Financial Investors, Inc. and Professional Investors Security Fund, Inc., two entities that engaged in an \$850 million Ponzi scheme defrauding hundreds of investors in connection with the purchase and operation of

Areas of Experience

Bankruptcy and Reorganization
SEC Receiverships and Ponzi Schemes
Fraud and Recovery
Financial Services
Assignments for the Benefit of Creditors
Distressed and Special Assets

Education

J.D., Boston University, 1990, magna cum laude
M.B.A., New York University, 1987
B.A., Boston University, History, 1985

Admissions

Bars

Florida
New York

Courts

U.S. Bankruptcy Court, Southern District of Florida
U.S. District Court, District of Colorado
U.S. District Court, Middle District of Florida
U.S. District Court, Southern District of Florida
U.S. District Court, Southern District of California

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more than 60 multi-family and commercial buildings in and around San Francisco. Case is pending in the United States Bankruptcy Court for the Northern District of California.

Champlain Towers South Condominium Association, Inc. - Receiver: Serve as Receiver for the Champlain Tower South Condominium Association, Inc. following the horrific collapse of the Champlain Tower South Condominium in Surfside, Florida, in June 2021. Case is pending in the Circuit Court of the Eleventh Judicial Circuit in and for Miami Dade County, Florida.

Florida Immigration Building Funding, LLC - Receiver: Appointed receiver over an entity that raised \$50 million from 100 EB-5 investors based on claims that the entity defrauded the investors by wrongfully diverting the money raised for personal use and other purposes. Case is pending in the Circuit Court of the Eleventh Judicial Circuit in and for Miami Dade County, Florida.

Woodbridge Group of Companies: Appointed by the SEC to the Board of Managers, and subsequently as Liquidating Trustee, of The Woodbridge Group of Companies, a group of related entities accused of defrauding investors out of \$1.2 billion. The appointment of the Board of Managers arises out of a settlement that resolved motions filed by the SEC and the Unsecured Creditors Committee in the United States Bankruptcy Court in Delaware to oust the debtors' current management in favor of a trustee. The settlement also avoided the appointment of a receiver in a case commenced by the SEC against the debtors in the United States District Court for the Southern District of Florida accusing the debtors of conducting a massive Ponzi scheme.

Jay Peak, Inc. and Q Resorts, Inc.: Appointed Receiver by the United States District Court for the Southern District of Florida over ski resorts located in Northern Vermont in the largest EB-5 fraud in the history of the United States involving more than 800 investors owed in excess of \$400 million. Secured a \$150 million settlement with Raymond James that was announced in a press conference with Vermont Governor Phil Scott exactly one year from the date the case began. In negotiating the settlement, recovered investors' stolen money and all past due trade debt and contractor claims of the resort will be paid in full. The settlement funds allow for completion of construction of the Jay Peak Resort, northern Vermont's largest employer.

Rothstein Rosenfeldt Adler: Represented the Official Committee of Unsecured Creditors in the Rothstein Rosenfeldt Adler bankruptcy case involving the liquidation of a law firm engaged in a \$1.2 billion Ponzi scheme. Subsequently appointed Liquidating Trustee of Rothstein Rosenfeldt Adler Liquidating Trust responsible for overseeing all distributions to creditors and handling litigation on behalf of the Liquidating Trust, which had a one hundred percent payout to all general unsecured creditors.

Madoff Ponzi Scheme: Represented over 100 defendants in more than 35 separate adversary proceedings seeking to avoid alleged preferential and fraudulent transfers in Madoff Ponzi scheme.

Pearlman Ponzi Scheme: Represented the Chapter 11 Trustee of the Louis J. Pearlman and Transcontinental Records estates. Pearlman, who was the creator and the manager of such musical groups as the Back Street Boys and 'NSYNC, was convicted of running a \$500 million Ponzi scheme victimizing hundreds of investors.

Simple Health Plans: Appointed Receiver by the United States District Court for the Southern District of Florida in an FTC action

over a company alleged to have sold hundreds of millions of dollars in fraudulent health insurance policies.

Worldwide Entertainment, Inc: The Entertainment Group Fund, Inc.; and American Enterprises, Inc.: Appointed Receiver by the United States District Court for the Southern District of Florida over a group of entertainment companies, including the world's second largest independent concert promoter, to operate and liquidate diverse entertainment assets, including venues, shows, movies and other intellectual property, in order to repay approximately 3,750 investors owed more than \$300 million.

U.S. EB-5 Investments, LLC and EB-5 Asset Manager, LLC: Appointed Receiver by the United States District Court for the Southern District of Florida over entities accused of defrauding Chinese EB-5 investors.

Federal Employee Benefits Group, Inc. and F&S Asset Management, Inc.: Appointed receiver by Chief Judge of the United States District Court for the Southern District of Florida at the request of the Securities and Exchange Commission over entities engaged in a \$50 million Ponzi scheme which victimized approximately 300 FBI, DEA, and ICE agents in connection with non-existent bond fund.

Premium Sales: Represented the Receiver in Premium Sales, a \$250 million Ponzi scheme.

Berman Mortgage Corporation: Appointed Receiver by the Circuit Court in Miami, Florida over a large mortgage origination business with approximately 650 investors and total mortgages and/or real estate developments valued at more than \$200 million.

MAMC Incorporated: Appointed Receiver by the Circuit Court in Miami, Florida over a business engaged in the servicing of more than \$200 million in mortgages on behalf of approximately 650 lenders.

Home Equity Mortgage Corporation: Appointed Receiver by the Circuit Court in Miami, Florida over a company engaged in the business of originating and servicing over \$200 million in mortgages on behalf of approximately 800 investors.

Wealth Pools International, Inc. and Recruit for Wealth, Inc.: Appointed as substitute receiver by the United States District Court for the Middle District of Florida in a \$136 million Ponzi scheme case involving 15,000 victims.

The Cyprus Fund and Related Companies: Appointed Receiver by the United States District Court for the Southern District of Florida over a group of companies operating a \$100 million Ponzi scheme. Responsible for operating corn and soybean farms and liquidating vast real estate holdings throughout Ohio and Florida.

University Lab Technologies, Inc.: Appointed Receiver by the United States District Court for the Southern District of Florida over a company engaged in the manufacturing and distribution of natural herbal remedy products and raised money from dozens of investors in violation of federal securities laws.

AB Financing & Investments, Inc.: Appointed Receiver by the United States District Court for the Southern District of Florida over a company engaged in a \$80 million Ponzi scheme. Responsible for liquidating six large commercial properties, including hotels and office buildings.

Omni Capital Ltd.: Represented the Receiver of Omni Capital Ltd., a \$50 million Ponzi scheme.

Sterling Wentworth Currency Group, Inc. and LaSalle International Clearing Corporation: Appointed Receiver at the request of the CFTC by the United States District Court for the Southern District of Florida in a \$36 million Ponzi scheme involving FOREX trading.

Service Five Investments, Inc.: Appointed Receiver by the Circuit Court in Miami, Florida over a company engaged in making loans to active military personnel. At the time of appointment, the company had debts of \$36 million. A plan of distribution was approved by the Eleventh Judicial Circuit Court in Miami, Florida, resulted in creditors receiving an approximate 85% distribution.

Ware Enterprises and Investments, Inc.: Appointed Receiver by the United States District Court for the Middle District of Florida over an investment firm engaged in a \$30 million dollar Ponzi scheme.

Par Three Investments, Inc.: Appointed Receiver by the United States District Court for the Southern District of Florida over a company engaged in a \$10 million Ponzi scheme.

Receiver, Discovery Capital Group, LTD.: Appointed Receiver by the United States District Court for the Southern District of Florida over a securities brokerage firm accused of defrauding millions of dollars from hundreds of investors throughout the United States and Europe.

Biscayne Landing, LLC: Represented the Receiver of Biscayne Landing, LLC, a 200-acre multi use real estate development.

Representative Bankruptcy Work

Hal's Realty, Inc. - Chapter 11 Trustee : Appointed Chapter 11 Trustee to oversee the bankruptcy of Hal's Realty, Inc., an entity that owned several properties in downtown Palm Beach, Florida. The case involved resolving litigation among the debtor's ownership group and overseeing the 363 sale of the debtor's property. Case was in the United States Bankruptcy Court for the Southern District of Florida.

Lending Syndicate: Represented a lending syndicate of 28 banks and hedge funds as co-counsel in defending a \$675 million fraudulent transfer claim brought by the creditors' committee in the TOUSA bankruptcy case.

Samsung Electronics of America: Represented the consumer electronics manufacturer in bankruptcy cases throughout the United States including the Sears, Circuit City, Tweeter, and Ultimate Electronics cases.

AutoNation: Represented the largest automobile dealership in the United States in the ANC Rental bankruptcy in Delaware in connection with large avoidable transfer claims made against AutoNation arising out of its spin-off of Alamo and National Car Rental.

In Re: Elcom: Appointed Liquidating Trustee in a case involving a multi-tower condominium and hotel complex located in Miami, Florida.

HIG Capital: Represented HIG Capital in connection with its purchase of Supra Telecom pursuant to a buyer-sponsored plan of reorganization.

Parkstone Medical: Represented Parkstone Medical in its Chapter 11 case culminating in the sale of substantially all of its assets pursuant to Section 363 of the Bankruptcy Code.

Blackfin Yacht Corporation: Represented a large manufacturer of sport fishing boats in its Chapter 11 filing culminating in a sale of substantially all of its assets.

Republic Services, Inc.: Represented one of largest waste companies in the purchase of a waste transfer station pursuant to Section 363 of the Bankruptcy Code.

Commerzbank of Germany: Represented the bank as co-counsel in defending a multimillion dollar fraudulent transfer claim brought by the trustee in connection with the Sentinel Funds case. The case involved novel issues of international jurisdiction and banking law.

Omni Capital, Ltd.: Served as Liquidating Trustee of Omni Capital, Ltd., a company engaged in a \$50 million Ponzi scheme. Responsible for litigating dozens of “claw-back” suits to recover fraudulent transfers of profit to investors.

Quail West and Tesoro Homeowners Associations: Represented clients in the Ginn bankruptcies. Responsible for protecting the interests of the homeowners in connection with 363 sales of the uncompleted real estate projects to new developers.

Fontainebleau Las Vegas: Represented a steering group of term lenders as co-counsel in the bankruptcy of the unfinished 24.5-acre resort, condominium, and casino project on the Las Vegas Strip.

South Motors Corporation: Represented an automotive group and its affiliates, consisting of 17 car dealerships in their Chapter 11 bankruptcies. Approximately seven of the dealerships were sold pursuant to a 363 sale and the remaining dealerships were reorganized pursuant to a plan of reorganization.

Published Work and Lectures

- American Bankruptcy Institute, Panelist, “Allocating Precious Resources in the Face of Disaster,” March 29, 2022
- Miami Law, Class Action and Complex Litigation Forum, Speaker, “New Waves of Mega Liability Litigation: Lessons Learned from Opioid, Monsanto Roundup, and Other Complex Cases,” January 24, 2020
- Federal Bar Association, Orlando Chapter and Central Florida Bankruptcy Law Association Meeting, “Liquidation of Ponzi Schemes,” September 2019
- National Association of Bankruptcy Trustees Annual Conference, Panelist, “Administering Mega-Ponzi Scheme Cases in Bankruptcy and Receivership,” August 2018
- The Federal Bar Association, Panelist, “Equity Receiverships,” January 17, 2018
- Association of Insolvency & Restructuring Advisors’ 16th Annual Advanced Restructuring and Plan of Reorganization Conference, Speaker, “EB-5 Lending - A Tale of Two Cities,” November 13, 2017
- National Association of Federal Equity Receivers’ 6th Annual Conference, Moderator, “Fraud Vectors in the Receivership Universe,” October 19, 2017
- 2017 San Francisco EB-5 & Investment Immigration Convention, “EB-5 Receivership and Representation of Investors in Troubled Projects,” July 2017

- IIUSA Annual Conference, Speaker, "EB-5 & Securities: Enforcement & Compliance Trends," April 2017
- 15th Annual Advanced Restructuring and Plan of Reorganization Conference, Speaker, "Administering Ponzi Schemes in Bankruptcy," November 14, 2016
- University of Miami School of Law, Guest Lecturer, "Distressed Real Estate Receiverships – An alternative to Bankruptcy," April 2016
- Moderator, Florida Fiduciary Forum, Judges panel (District Court, Bankruptcy Court and State Court) comparing receiverships to bankruptcy, March, 2016
- Palm Beach Bar Association, Speaker, "Ponzi Scheme Liquidations," May 2015
- The Florida Bar Continuing Legal Education Committee and the Business Law Section, Moderator on Statutory Receiverships, May 2014
- Central Florida Bankruptcy Law Association, Speaker, "Liquidating Ponzi Schemes," October 2012
- C51 Fraud, Asset Tracing and Recovery Conference, Speaker, "Miami Vice - Unravelling the \$1.2 Billion "Rothstein" Ponzi Scheme," October 2012
- Guest Lecturer, Florida International University School of Law, "Receiverships and Ponzi schemes," February 2012
- Turnaround Management Association, Speaker, "Liquidating Ponzi Schemes," October 2010
- North American Securities Administrator Association's (NASAA) 25th Annual Public Policy Conference, Speaker, "Overview of Receivership and Ponzi Schemes," Audience Included State and Federal Regulators from the United States and Canada, April 2010
- Greater Miami Jewish Federation, Professional Advisory Committee, Lunch and Learn Program, Speaker, January 2010
- Turnaround Management Association, Speaker, "Mopping Up After Madoff," 2009
- Broward County Family Law Bar, Speaker, "Bankruptcy Law Issues for the Family Law Practitioner," December 2005
- Stetson University College of Law and the Florida Bar, Faculty Speaker, "The Ins and Outs of the New Reformed Code-Minefields for the Unwary Special Topics Under Bankruptcy Reform," August 2005
- Stetson University College of Law Seminar, Faculty Speaker, "Previewing the Bankruptcy Reform Act," August 2005
- Turn Around Management Association, Annual South Florida Dinner, Speaker, "Trustees and Receiver's Responsibility for Preserving Computer Evidence in Bankruptcy and Receiverships," 2005
- Daily Business Review, Author, "Florida to Remain a Haven for Debtors," March 30, 2005
- Florida Medical Business, Author, "Road Map For Dealing With Your PPM When It Careens Towards Bankruptcy"
- South Florida Business Journal, Author, "Buying Assets from Bankrupt Businesses," May 2002
- Daily Business Review, Author, "When Bankruptcy Looms: Deciding If Patient Can Be Saved Or Read Last Rites," March 23, 1998
- The Florida Bridge The Gap Seminar, Speaker, 1995 and 1996
- As a law clerk, assisted in writing a book on exemptions for PLI and his portion of Colliers, dealing with Leverage Buyouts and Fraudulent Transfers; also wrote a thesis receiving the highest honors on this particular issue, in an article entitled "Fraudulent Transfer Laws, Are They In Need Of Repair?"

Affiliations

- American College of Bankruptcy, Fellow
- The Florida Bar, Member
- Broward County Bar Association, Member
- New York State Bar Association, Member
- Bankruptcy Bar Association of the Southern District of Florida, Member
- American Bar Association, Member
- Families Against Cult Teachings, Legal Advisor
- Nova University School of Law, Board of Trustees, 2012-2014
- FBI Citizens Academy Graduate, 2008

Honors and Distinctions

- *Super Lawyers* Magazine 2020-2022, Listed in Florida for Bankruptcy: Business
- *Fort Lauderdale Illustrated*, Recognized as a "Top Lawyer in Broward County" for Bankruptcy and Creditor Debtor Rights/Insolvency and Reorganization Law, 2021
- *Daily Business Review*, "Most Effective Lawyer," Finalist, 2017
- *The Financial Times*, "Most Innovative Lawyers North America", Litigation and Disputes, 2017
- *Daily Business Review*, Professional Excellence Awards, "Distinguished Leader," 2017
- *The Best Lawyers in America* 2006-2023, Listed in Florida for Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law, Bet-the-Company Litigation, and Litigation - Bankruptcy
- *The Best Lawyers in America* 2013, 2016, 2018, 2021, Listed as "Lawyer of the Year" awards for Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law in Fort Lauderdale and Miami
- *The Best Lawyers in America* 2020, Listed as "Lawyer of the Year" for Bet-the-Company-Litigation in Fort Lauderdale
- *The Best Lawyers in America* 2015, 2019, Listed as "Lawyer of the Year" for Litigation - Bankruptcy in Fort Lauderdale and Miami
- *Chambers USA* 2006-2022, Ranked in top tier in Florida (South Florida) for Bankruptcy/Restructuring
- *Daily Business Review*, "Lawyer of the Year," Finalist, 2015
- *South Florida Legal Guide* Top Lawyers 2004-2019, Listed for Bankruptcy, Creditors' Rights
- *Super Lawyers* Magazine 2007-2020, Listed in Florida for Bankruptcy & Creditor/Debtor Rights
- *Florida Trend's* Legal Elite 2005-2011, 2013-2015, 2019, Listed for Bankruptcy & Workout
- *Daily Business Review*, Most Effective Lawyer in Bankruptcy, Winner, 2013
- *The Best Lawyers in America* 2013, Named as "Lawyer of the Year" for Bankruptcy and Creditor Debtor Rights / Insolvency and Reorganization Law in Miami
- *South Florida Business Journal*, "Key Partner Award," Finalist, 2011
- *Super Lawyers* Magazine 2010, Listed in Florida as a "Top 100 Lawyer"
- *BTI* 2007, Listed as a Client Service "All-Star"
- National Multiple Sclerosis Society, Leadership Award, 2000
- Paul J. Liacos Scholar; G. Joseph Tauro Scholar